

**GRAYCARY.** TECHNOLOGY'S LEGAL EDGE®

FAX RECEIVED

NOV 20 2000

PETITIONS OFFICE

100 Congress Avenue, Suite 1440  
Austin, TX 78701-4072  
www.graycary.comO] 512-457-7000  
F] 512-457-7070

November 20, 2000

**FAX TRANSMISSION COVER SHEET**To:Kerry Fries  
U.S.P.T.O - Office of PetitionsTelephone:

703 308-0687

Fax Number:

703 308-6916

From: George R. Meyer  
(Reg. No. 35,284)  
512-457-7093

Client-Matter Number: 2101821.991130

Re:

Pages: - 5 - (including this form)      Originals: ☐ will be mailed ☒ will not be mailedIf there is a problem with this transmission, please call (512) 457-7093  
Fax Operator/Ext.**Message:**

Enclosed are copies of correspondence related a patent application. After receiving papers that a filing date was not granted, Applicants filed a petition to grant a filing date that was mailed on July 6, 1999. Applicants have not received any further correspondence related to this petition since that time. I contacted Mr. John Guillen (sp?) of the Office of Petitions last week, and he stated that you were assigned the petition. He also recommended that I fax you the related papers. Please call me regarding the status of the petition.

**CONFIDENTIALITY NOTICE**

This communication is ONLY for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly PROHIBITED. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Alexander G. Parlos, et al.  
Serial No.: 09/293,536  
Filing Date: April 15, 1999  
Group Art Unit: 2764  
Examiner: Not Assigned  
Title: SYSTEM AND METHOD FOR CONDITION  
ASSESSMENT AND END-OF-LIFE PREDICTION

FAX RECEIVED

NOV 20 2000

PETITIONS OFFICE

ATTN: Office of Petitions  
Honorable Asst. Commissioner  
of Patents  
Washington, D.C. 20231

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" in an envelope addressed to: Office of Petitions, Assistant Commissioner of Patents, Washington, D.C. 20231 on July 6, 1999.

*Rebecca J. Morrison*  
Rebecca J. Morrison

Dear Sir:

EL208669318US

PETITION TO GRANT FILING DATE  
OF COMPLETE APPLICATION

Applicant hereby requests entry of its filing date of April 15, 1999 because pages 260 through 299 were NOT omitted from the specification, but were inadvertently misnumbered. The numbering of the specification should continue sequentially from page 259 through the end of the specification.

Since this application claims priority under 35 U.S.C. § 119(e)(1) to provisional application number 60/081,848,

EST. AVAILABLE COPY

filed April 15, 1998, applicant respectfully requests the filing date of April 15, 1999 be granted.

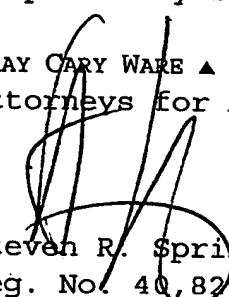
Applicant also requests a refund of the petition fee because the application as it currently exists is complete.

A copy of the Notice of Incomplete Application is enclosed.

Pursuant to 37 C.F.R. § 1.17(i), the Commissioner is hereby authorized to deduct \$130.00 from Deposit Account No. 50-0456, and to charge any additional fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

GRAY CARY WARE ▲ FREIDENRICH LLP  
Attorneys for Applicants

  
Steven R. Sprinkle  
Reg. No. 40,825

Date: July 6, 1999

100 Congress Avenue  
Suite 1440  
Austin, TX 78701  
(512) 457-7025  
(512) 457-7070 (facsimile)



Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/293,536	04/15/99	FARLOS	A ORAS1100-1

0242/0519

STEVEN R SPRINKLE  
GRAY CARY WARE & FREIDENRICH LLP  
SUITE 1440  
100 CONGRESS AVENUE  
AUSTIN TX 78701

NOT ASSIGNED

2764

DATE MAILED:

05/19/99

### NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items, unless otherwise indicated, must be submitted within **TWO MONTHS** of the date of this Notice, or proceedings on the application will be terminated (37 CFR 1.53 (e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the items required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

☐ 1. The specification (description and claims):

- ☐ a. is missing.
- ☐ b. does not include a written description of the invention.
- ☐ c. does not include at least one claim as prescribed by 35 U.S.C. 112.

*A complete specification (including at least one claim in a nonprovisional application) as prescribed by 35 U.S.C. 112 is required.*

FAX RECEIVED

NOV 20 2000

PETITIONS OFFICE

☐ 2. The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

*Applicant should reconsider whether drawings are necessary under 35 U. S. C. 113 (first sentence).*

☐ 3. OTHER: \_\_\_\_\_

Additional observations on the above-identified application papers:

- ☒ 1. Pages 260-299 of the specification are missing.
- ☐ 2. Figures \_\_\_\_\_ described in the specification are missing.

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

Enclosed:

- ☐ "General Information Concerning Patents." See page \_\_\_\_\_
- ☒ "Notice to File Missing Parts of Application," Form PTO-1532.
- ☐ "Checklist for Patent Applications."
- ☐ Other: \_\_\_\_\_

*S. Jordan*

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/293,536	04/15/99	PARLOS	A ORAS1100-1

0242/0519

STEVEN R SPRINKLE  
GRAY CARY WARE & FREIDENRICH LLP  
SUITE 1440  
100 CONGRESS AVENUE  
AUSTIN TX 78701

NOT ASSIGNED

2764

DATE MAILED:

05/19/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION

#### No Filing Date

(Enclosure to Form PTO-1123)

The required items noted below SHOULD be filed along with any items required on the "Notice of Incomplete Application." The filing date of this application will be the date of receipt of the items required on the "Notice of Incomplete Application." The items noted below must be filed no later than TWO MONTHS FROM THE FILING DATE ACCORDED THIS APPLICATION. If any of items 1 and 3 through 5 below are submitted after the filing date accorded this application, the SURCHARGE set forth in 37 CFR 1.16(e) of ☒ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form and on the "Notice of Incomplete Application" are filed together, the total amount owed by applicant as a ☒ small entity (statement filed) ☐ non-small entity is \$ 65.00.

FAX RECEIVED

NOV 20 2000

PETITIONS OFFICE

- ☐ 1. The statutory basic filing fee is:

- ☐ missing or unexecuted.  
☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming small status (37 CFR 1.27).

- ☐ 2. Additional claim fees of

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing or unexecuted.

- ☐ does not cover the items required on "Notice of Incomplete Application."  
☐ does not identify the application to which it applies.  
☐ does not include the post office address and the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and filing date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than the inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, referring to the above Application Number and filing date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and filing date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. The application does not comply with the Sequence Rules.

See attached "Notice To Comply with Sequence Rules 37 CFR 1.821 -1.825."

- ☐ 8. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

BEST AVAILABLE COPY

*S Jordan*  
Customer Service Center